

Model Legislation

The Clean Water for All Life Act

HOUSE/SENATE BILL NO. _____

SECTION _____ is amended to add an additional section to read as follows:

THE _____ CLEAN WATER FOR ALL LIFE ACT

This article shall be known and may be cited as the _____ CLEAN WATER FOR ALL LIFE ACT.

- A. **Definitions.** The definitions set forth in this section are controlling for purposes of this section and of this code/statute, irrespective of terms used in medical coding, notations, or billing documents. As used in this section:

“Abortion” means the act of using, prescribing, administering, procuring, or selling of any instrument, medicine, drug, or any other substance, device, or means with the purpose to terminate the clinically diagnosable pregnancy of a woman, with knowledge that the termination by any of those means will, with reasonable likelihood, cause the death of the preborn child.

A physician’s performance of a medical procedure or treatment designed or intended to prevent the death of a pregnant woman and not designed or intended to kill the unborn child is not an abortion under this section.

An act under this section is not an abortion if the act is performed with the purpose to:

- i. produce a live birth and save the life or preserve the health of the preborn child;
- ii. remove a dead preborn child and remaining tissue; or
- iii. remove a verified ectopic pregnancy.

“Abortifacient” means any medicine, drug, or any other substance, or any combination of drugs, medicines, or substances; including RU-486, mifepristone, Mifeprex, Mifegyne, misoprostol; or any substantially similar generic or non-generic drug or chemical dispensed for purposes of causing an abortion, or any future drug developed, marketed, sold, or distributed for the purpose of causing an abortion.

“Attempts to provide” means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in a chemical abortion.

“Catch kit” means a biohazard bag/collection container designed to catch and hold medical waste or infectious waste, often used for collecting samples for testing.

“Chemical abortion” refers to the use of an abortifacient to:

- i. intentionally kill the preborn child of a woman known to be pregnant; or
- ii. intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than to:
 - a. produce a live birth and save the life or preserve the health of the preborn child;
 - b. remove a dead preborn child and remaining tissue; or
 - c. remove a verified ectopic pregnancy.

“Distributor” means a person to whom an abortifacient is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer of such abortifacient.

"Ectopic pregnancy" means a pregnancy in which the fertilized human ovum or blastocyst implants and grows outside of the uterus.

"Fertilization" means the fusion of a human spermatozoon with a human ovum.

"Licensed medical professional" means any person licensed to prescribe prescription drugs under applicable federal and state laws.

“Provide” means to dispense or prescribe an abortifacient, or to otherwise make an abortifacient available to a patient.

"Pregnancy" means the period of time from fertilization until birth and is calculated from the first day of the pregnant woman's last menstrual period.

“Medical waste bag” means a biohazardous waste container made to contain medical or biohazardous waste and includes the terms "infectious waste bag",

"healthcare waste bag", or "biohazard waste bag". Warning labels must be affixed to the container stating "BIOHAZARD" and depicting the biohazard symbol recognized by the American National Standards Institute. The container must either:

- i. be fluorescent orange or orange-red, with lettering and symbols in a contrasting color; or
- ii. include such required warning labels in fluorescent orange or orange-red, with lettering and symbols in a contrasting color.

“Preborn child” means an individual organism of the species Homo sapiens from fertilization until live birth.

B. Conditions on providing chemical abortion affecting interstate commerce – penalties.

1. A licensed medical professional may not knowingly provide or attempt to provide a chemical abortion if the provision or attempt is in or affects interstate or foreign commerce without:
 - a. physically examining the patient;
 - b. being physically present at the location of the chemical abortion;
 - c. scheduling a follow-up visit to assess the patient’s physical condition that must occur not more than seven days after the administration or use of the drug; and
 - d. providing a catch kit and medical waste bag, including instructions for the patient to bring the catch kit and medical waste bag to the licensed medical professional for proper disposal.
2. Except as provided in subsection (3), a licensed medical professional who violates any provision of subsection (1)(a) through (1)(d) is guilty of a felony and shall be fined not less than \$5,000 nor more than \$50,000 or imprisoned not more than five years, or both, for each violation.
3. A patient on whom an abortion is conducted may not be prosecuted for a violation of this section or conspiracy to violate this section.
4. Nothing in this section shall be construed to have an impact on the treatment of a verified ectopic pregnancy, or a physician’s performance of a medical procedure or treatment designed or intended to prevent the death of a pregnant woman and not designed or intended to kill the unborn child under this section.

C. Manufacturer and distributor responsibility for proper disposal of abortifacients – penalties.

1. The manufacturer or distributor of an abortifacient is responsible for the proper disposal of discarded abortifacients and mitigation of the environmental effects of endocrine-disrupting chemical byproducts from abortifacient drugs entering public waste systems due to the disposal of tainted human remains entering the wastewater system, as a result of at-home abortions.
2. If endocrine-disrupting chemicals from abortifacients are found in wastewater, the manufacturer shall be responsible for cleanup, remediation, and further preventative measures.
3. A violation of this provision is punishable by a mandatory fine of \$100,000 per violation.
4. A patient on whom an abortion is conducted may not be prosecuted for a violation of this section or conspiracy to violate this section.

D. Severability. If any provision of this section or its application to any particular person, entity or circumstance is held invalid, that provision or its application is severable and does not affect the validity of other provisions or applications of this section.